

### **REMARKS**

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed September 13, 2007. Claims 10-20 were rejected. The claims and specification have been amended to address the concerns raised by the Examiner.

Claims 10-20 were originally presented. Claims 10-20 have been cancelled and replaced with claims 21-31 which contain the same subject matter as previous claims 10-20 but in amended format. New claim 29 has been added which is a combination of claim 10 and 11.

The new claims have been added to avoid the light text and markup problems cited by the Office Action. Claims 1-9 have been canceled without prejudice.

### **Claim Rejections - 35 U.S.C. § 112**

Claims 10-20 stand rejected under § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have been amended in accordance with the Examiner's suggestions. The preamble has been amended to include a reference to the use of a device in a stepping type of exercise.

### **CONCLUSION**

In light of the above, Applicant respectfully submits that pending claims 21-31 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve M. Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Fees in the amount of \$60.00 will be submitted electronically pursuant to 37 C.F.R. § 1.17(a) (1), for a one month extension of time pursuant to 37 C.F.R. § 1.136.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 20th day of December, 2007.

Respectfully submitted,

/Steve M. Perry/

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